**THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY**

**WRIT PETITION No.27057 of 2005**

**Dated 27-12-2005**

Between:

Kunjam Paadaalu Dora.

.. **PETITIONER**

AND

The Mandal Revenue Officer, Gangavaram Mandal,

East Godavari District and another.

**.. RESPONDENTS**

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**ORDER**

The petitioner is a Tribal of Ramuldevapuram village, Gangavaram Mandal, East Godavari District. The Mandal Revenue Officer, the first respondent, issued D-Form patta in favour of the petitioner way back on 29-10-1997 assigning an extent of 1.48 cents of land in Sy.No.70/3 of Ramuldevapuram village. The petitioner states that along with him another ten persons of the same village were assigned almost similar extents, in different survey numbers, but none of them were put in possession, despite their request. He contends that the respondents did nothing more than issuing an order of assignment without ensuring that the beneficiaries therein are put in possession of the land.

The writ petition came up for admission on 20-12-2005. At the request of the learned Government Pleader, the matter was adjourned twice. After obtaining instructions, he contended that the assignees did not submit any representation for the past several years and unless the grievances were brought to the notice of the respondents, there was no occasion for them to take necessary steps.

Heard the learned counsel for the petitioner and the learned Government Pleader for Social Welfare.

The petitioner and certain others were assigned lands on finding that they are eligible, landless poor. The object of assigning such land is to enable the assignees to eke out their livelihood by cultivating the lands. Unless the assignment is followed by the physical delivery of possession, the whole exercise becomes futile. While the petitioner states that himself and the other assignees have been going around the officials of the Revenue and the Tribal Welfare Department for implementation of the orders of assignment, the respondents plead that the assignees never approached them.

Be that as it may, once the competent authority had assigned land in favour of the

petitioner and other assignees, physical delivery of the land must take place. As a preliminary step, the first respondent must demarcate and identify the land covered by the relevant order of assignment. Incase, the land is vacant, the possession can be delivered to the assignees. On the other hand, if it is found to be under the possession of somebody else, proceedings may have to be initiated before the Special Deputy Collector, for resumption of the land and delivery of the same to the assignees. For this purpose, the petitioner must also make efforts on his part.

For the foregoing reasons, the writ petition is disposed of, directing that:

(a) The petitioner and other assignees may make a representation to the first respondent, with a request, to implement the orders of assignment, duly enclosing copy of the D-Form pattas;

(b) On receiving the same, the first respondent shall undertake demarcation and identification of the assigned lands. In case, they are vacant, he shall deliver possession of the same to the assignees; and

(c) If the land, covered by D-Form patta, found to be in possession of any third party, it shall be open to the petitioner or the other assignees, as the case may be, to file an application before the Special Deputy Collector, having jurisdiction over the area duly impleading the persons found to be in possession of the land. The Special Deputy Collector, in turn, shall dispose of the matter in accordance with law, without any loss of time.

There shall be no order as to costs.

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27-12-2005

Prv